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SUPREME COURT OF THE UNITED STATES.

No. 122.

THE UNITED STATES, APPELLANTS,

vs.

JUANA BRIONES DE LUGO ET AL.

APPEAL FROM THE DISTRICT COURT U. S. FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

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GIBSON, print.

Transcript of the proceedings in case No. 537—Juana Briones de Lugo et al., claimants, vs. *The United States, defendants—for the place named Parage de Sanchez.*

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

Be it remembered, that on this twenty-ninth day of January, anno Domini one thousand eight hundred and fifty-three, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Juana Briones de Lugo et al., for the place named "Paraje de Sanchez," was presented, and ordered to be filed and docketed, with No. 537, and is as follows, to wit:

(Vide page 3 of this Transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

SAN FRANCISCO, *January* 29, 1853.

In case No. 537, Juana Briones de Lugo et al., for the place named "Paraje de Sanchez," the deposition of Wm. E. P. Hartnell, a witness in behalf of the claimants, taken before Commissioner Harry J. Thornton, with document marked H. J. T., No. 1, annexed thereto, was filed:

(Vide page 5 of this Transcript.)

SAN FRANCISCO, *September* 23, 1853.

Case No. 537, called on motion of the counsel for the claimants, ordered to the foot of the docket.

SAN FRANCISCO, *December* 1, 1853.

In the same case, the deposition of Thomas Cole, a witness in behalf of the claimants, taken before Commissioner Alpheus Felch, was filed:

(Vide page 5 of this Transcript.)

SAN FRANCISCO, *September* 19*th*, 1854.

On motion of the counsel for the claimants, case No. 537 was ordered to be placed at the foot of the 2d class cases on the trial docket.

SAN FRANCISCO, *October* 17, 1854.

In the same case the counsel for the claimants filed the following motion, to wit:

(Vide page 23 of this Transcript.)

Which having been considered, was granted, and

Ordered, That the case be revived in accordance with the said motion.

SAN FRANCISCO, *October* 20, 1854.

In the same case, the deposition of Bonite Diaz, a witness in behalf of the claimants, taken before Commissioner Peter Lott, was filed.

(Vide page 7 of this Transcript.)

SAN FRANCISCO, *October* 24, 1854.

In the same case, the counsel for the claimants filed the following motion, to wit:

(Vide page 23 of this Transcript.)

Which motion was granted.

SAN FRANCISCO, *Oct.* 31, 1854.

Case No. 537 was submitted on briefs, and taken under advisement by the board.

SAN FRANCISCO, *Nov. 7th*, 1854.

In the same case, Commissioner Alpheus Felch delivered the opinion of the board, confirming the claim.

(Vide page 25 of this Transcript.)

And the following order was made, to wit:

(Vide page 26 of this Transcript.)

Petition.

To the honorable Commissioners to settle private land claims in California:

The petition of Juana Briones de Lugo, and Cayetano Lugo, Juan de Mata Lugo, children of the late Francisco Lugo, deceased, respectfully represents:

That on the 8th day of June, A. D. 1839, Juan B. Alvarado, governor of California, by virtue of authority in him vested, granted to the said Francisco Lugo the tract of land called Paraje de Sanchez, in the present county of Monterey, containing one and a half square leagues, a little more or less, which original title, map, and juridical possession are submitted herewith, marked "A," with a translation marked "B."

That the said Francisco Lugo died intestate in the year 18 , leaving the petitioners, his widow and legitimate children.

That the said Francisco Lugo and the petitioners have been for more than thirteen years, and that the petitioners are now, in the quiet and peaceable possession and occupation of the said tract of land, and that they know of no conflicting claim.

That they rely for confirmation of title upon the original papers submitted herewith, upon the minutes and records in the archives of the former government, and upon such other and further proofs as they may be advised are necessary.

Wherefore, they pray the commissioners to confirm to them the aforesaid tract of land.

By their Att'ys,
HALLECK, PEACHY & BILLINGS.

Filed in office, January 29, 1853.
GEO. FISHER, *Sec'y.*

Recorded in Vol. 1 of Petitions, on pages 507 & 508.
GEO. FISHER, *Sec'y.*

Deposition of W. E. P. Hartnell.

SAN FRANCISCO, *Jan'y* 29, 1853.

On this day, before Com'r H. J. Thornton, came Wm. E. P. Hartnell, a witness in behalf of the claimants, Juana Briones de Lugo et al., petition No. 537, and was duly sworn, his evidence being given in English.

In answer to questions propounded by claimants' counsel, the witness testifies as follows:

My name is W. E. P. Hartnell; my age 55 years; I have lived in California 30 years.

I am acquainted with the writing of Juan B. Alvarado, Manuel Jimeno, Teodoro Gonzalez, Manuel Castro, Francisco Rico, Juan Mulwen, Fleceano Sobiranes; their signatures to the document before me, marked exhibit No. 1, herewith filed, are genuine.

I know the land described in these papers; it was occupied by Francisco Lugo about 1839 or 1840; he continued to occupy it till his death, and since that time by his widow and children.

W. E. P. HARTNELL.

U. S. law agent present.

Sworn to and subscribed before me, 29th January, 1853.
HARRY J. THORNTON, *Com'r, &c.*

Filed in office, Jan'y 29, 1854.
GEO. FISHER, *Sec'y.*

Recorded in Ev. B., vol. 2, p. 517.
GEO. FISHER, *Sec'y.*

OFFICE OF THE BOARD OF U. S. LAND COMMISSIONERS
To ascertain and settle private land claims in the State of California.

Deposition of Thos. Cole.

SAN FRANCISCO, *Dec.* 1, 1853.

On this day, before Alpheus Felch, com'r, came Thos. Cole, a witness for claimant, Juan Briones de Lugo et al., petition 537, who being duly sworn, deposed as follows:

Questions by Mr. Halleck, Attorney for Claimant.

1st Quest. What are your name, age, and place of residence?

Ans. My name is Thomas Cole; my age forty-three, and I reside at Monterey, in California.

2nd Quest. Do you know the rancho called Paraje de Sanchez, claimed by the heirs of Francisco Lugo; where is it situated, and what do you know of its occupation?

Answer. I know the rancho; it is situated in Monterey county near the Mission of Soledad, about two leagues from it towards Monterey; I have known it since 1838 or 1839; it was then occupied by Francisco Lugo, who lived on it with his wife and family, and was stocked with cattle, sheep, and horses; he had an adobe house on it in June or July, 1838 or 1839; I am not certain which year. He lived there four or five years from that time; then he and his wife removed from it, and his son continued to live there with his family, and has continued until this time.

After the death of Francisco Lugo, his widow returned to the place and lived there until her death, which occurred a very short time ago.

THOMAS COLE.

Mr. Greenhouse, associate law agent, was present at the taking of this deposition, but propounded no questions to the witness.

Subscribed and sworn to before me, this first day of December, 1853.

ALPHEUS FELCH, *Commissioner.*

Filed in office, Dec. 1, 1853.

GEO. FISHER, *Sec'y.*

Recorded in Ev. B., vol. 3, p. 477.

GEO. FISHER, *Sec'y.*

Deposition of Benito Deaz.

UNITED STATES OF AMERICA,
State of California, ss:

SAN FRANCISCO, *Oct.* 19, 1854.

This day came before me, Peter Lott, commissioner for taking testimony to be used before the Board of U. S. Land Commissioners in said State, Benito Deaz, a witness in behalf of the claimants, Juana Breones de Lugo et al., in case No. 537 on the docket of said board, and said witness being duly sworn, deposed in Spanish, which is interpreted by the interpreter of said board, as follows:

The U. S. associate law agent is present.

Questions by Capt. Halleck for Claimants.

1st Quest. What is your name, age, and residence?

Answer. My name, Benito Deaz; my age 40 years; my residence Monterey, California.

2d Quest. Did you know Francisco Lugo and his wife, Juana Breones de Lugo; if yea, are they living; if they are dead, where did they die; and what children did they leave, naming them?

Answer. I knew said Francisco Lugo and his said wife; they are both dead; Francisco Lugo died some seven or eight years since, and Juan Breones about two years since. They left six or seven children; I do not know all their names, one is named Cayetano, five are named Francisco, and one named Josefa; I believe one is called Guadalupe; I do not know the others.

Cross-examined by the U. S. Associate Law Agent.

1st Question. What means have you of knowing the names of the children?

Answer. I have often been at the house, and have been intimately acquainted with Cayetano.

BENITO DEAZ.

Subscribed and sworn to before me, on this 19th day of October, 19*th*, 1854.

PETER LOTT, *Comm'r, &c.*

Filed in office, Oct. 20th, 1854.

GEO. FISHER, *Sec'y.*

Recorded in Ev., B., vol. 5, p. 504.

GEO. FISHER, *Sec'y.*

Año de 1840.

Espediente promovido pr. el C. Franc'o Lugo en pretencion del terreno llamado Parage de Sanchez Monterey.

Sello 1o, Seis Pesos.

Habilitado provicionalmente pr. la aduana maritima de Monterey, para los años de 1839 y 1840.

ALVARADO. ANTONIO MA. OSIO.

Juan B. Alvarado, Gobernador interino del Departamento de las Californias.

Por cuanto el c'no Franc'o Lugo, ha pretendido para su beneficio personal y el de su familia el terreno conocido, con el nombre de Parage de Sanchez, colindante con el rancho de Dn. Juan Malarin, con el establecim'to de la soledad, con el rio de Monterey, y la sierra practicados previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos usando de las facultades ql. me son conferidas á nombre de la nacion Mejicana, he venido en concederle el mencionado terreno, declarandole la propiedad de el pr. las presentes letras sugetandose á la aprovacion de la ex'ma junta departamental, y á las condiciones siguientes:

1a. Podra cercarlo sin perjudicar las travesias caminos y servidumbres; lo disfrutará libre y esclusivamente destinandole el uso ó cultivo

ql. mas le acomode, pero dentro de un año fabricara casa y estará habitada.

2a. Solicitará del juez respectivo ql. le de posecion juridica en virtud de este despacho por el cual se demarcarán los linderos en cuyos limites pondra á mas de los mojoneros algunos arboles frutales, ó silvestres de alguna utilidad.

3a. El terreno de ql. se hace mencion es de un sitio y medio de ganado mayor, segun esplica el diseño, ql. corre en el espediente. El juez ql. diere la posecion, lo hara medir conforme á ordenanza, quedando el sobrante ql. resulte á la nacion para los usos convenientes.

4a. Si contraviniese á estas condiciones perdera su derecho el terreno y sera denunciable por otro.

[*For map see original, page* 9.]

En consecuencia mando ql. teniendose por firme y valedero este titulo se tome razon de el en el libro ó ql. corresponde, y se entreque al interesado para su resguardo y demas fines.

Dado en Monterey, á ocho de Junio, de mil ochocientos triente y nueve.

JUAN B. ALVARADO.

MAN'L JIMENO,
S'rio del Departm'to.

Queda tomado razon de este despacho en el libro de acientos de titulas sobre adjudicaciones de terrenas á fa. 8.

JIMENO.

El ex'mo s'r gobernador ha dispuesto se tome razon de este titulo en la prefectura del primer distrito.

JIMENO.

(Here follows map.)

Sello Cuarto, [SEAL.] Una Cuartilla.

Pa. los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Revalidado pa. los años de 1842 y 1843.

ALVARADO. ANTONIO MA. OSIO.

Sello Tercero, [SEAL.] Dos Reales.

Para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Revalidado pa. los años de 1842 y 1843.

ALVARADO.

S'or Juez de Paz Suplente:

El C. Franc'o Lugo, vecino de este departamento ante V. con el debido respecto hace presente: Que habiendo obtenido del sup'r gobierno el terreno conocido con el nombre de Parage de Sanchez, como consta p'r el titulo espedido á mi favor con f'ha ocho de Junio, de mil ochocientos treinta y nueve, y fallandome salamente la posecion juridica pa. contarlo con propiedad en todos los requisitos legales he de merecerle de la vondad de V. se sirva darmela, diguandose senalarme el dia que tenga á bien designar.

Pr. tanto—a. V. suplico rendidamente provea en mi solicitud á favor de lo ql. recibiré merecer y gracia de lo ql., jurando lo necessario accederá á lo pedido.

Monterey, N'bre 15, de 1842.

FRAN'CO LUGO.

MONTEREY, 15 *de N'bre, de* 1842.

Por presentado y admitido procedase pr. mi el presente juez de paz á la medicion señalam'to de linderos y posecion judicial ql. solicita el interesado en esta instancia señalandose pa. ejecutarlo el dia 17 del presente mes, pa. lo qe. se citaran con botelas de conformidad á los colindantes. Asi yo, el juez de paz constitucional, suplente lo decreté, mandé y firmé, con los de asistencia.

TEODORO GONZALEZ.

Asa.: MAN'L CASTRO,
Asa.: FRAN'CO RICO.

En la misma f'ha presente el C. Fran'co Lugo se le justifico el auto ql. antecede y entendido dijo; lo oye y ql. se da pr. citado firmando con migo y los de as'a.

TEODORO GONZALEZ.

Asa.: MANUEL CASTRO,
Asa.: FRAN'CO RICO.

En la misma fecha se libraron las botelas ql. se mandan en el auto anterior, y pa. constancia lo aucto y fir.

Sello Tercero, [SEAL.] Dos Reales.

Para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Revalidado pa. los años, de 1842 y 1843.

TEODORO GONZALEZ.
ALVARADO, *Scrio.*

Asa.: MANUEL CASTRO,
Asa.: FRAN'CO RICO.

RANCHO DEL PARAGE DE SANCHEZ,
17 *de N'bre, de* 1842.

Presentes los colindantes Dn. Juan Malarin, y el encargado de la mision de la Soledad Dn. Feliciano Soberanes, nombre por medidores á los C. C. Gabino Cerafino y Ygnacio Gonzalez, los q'l procederan á la medicion d'ha señalam'to de linderos y posecion del C. Fran'co Lugo, quienes previa la aceptacion y juram'to procederan al disempeño de su encargo. Asi yo el juez de paz constitucional suplente de esta demar—

[Sello Cuarto, [SEAL.] Una Cuartilla.

Para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uño.

Revalidado pa. los años, de 1842 y 1843.

ESTRADA. ANT'O MA. OSIO.]

—cion lo decreté, mandé, y firmé, con los de asistencia.

TEODORO GONZALEZ.

Asa.: MANUEL CASTRO,
Asa.: FRAN'CO RICO.

En la misma fecha presentes los C. C. Ignacio Gonzalez y Gavino Cerafin, se les notifico el auto de su nombram'to y de el entendidos dijeron lo oyen ql. aceptaban y aceptaron jurando pr. Dias nuestro Señor y la señal de la cruz, conforme à su leal saber y entender desempeñarlo sin hacer fraude alguno contra ninguna persona firmando conmigo y los de assist'a.

TEODORO GONZALEZ.

Asa.: MANUEL CASTRO,
Asa.: FRAN'CO RICO.

Incontinente yo, el referido alcalde, mandé traer el cordel con ql. se habian de medir los tierras y los espresados medidores lo tomaron y ante mi con una vara de medir usual Mejicana, midieron cincuenta varas pa. hacer la medicion del terreno y lo firme con los de asistencia, de doy fée.

TEODORO GONZALEZ.

Asa.: MAN'L CASTRO,
FRAN'CO RICO.

En el mismo parage dia mes y año siendo las nueve del dia, yo el presente juez de paz constitucional suplente se esta jurisdiccion mandé á los medidores nombrados se dispuiesen para la medicion de tierras ql. se le habia de hacer al C. Fran'co Lugo, y puestos en el arroyo lindero de D. Juan Malarin, E. S. E. se midieron doscientos doce cordeles de á cincuenta v's de largo, y se advierte qs. esta medida llegó hasta el lindero de la mision de la Soledad, (los Barranquitas,) y desde la orilla del rio N. hasta la orilla de la sierra S., se midieron cuarenta y dos cordeles, siendo igual en el otro estremo á la largo del terreno en

medida al primer, asi como el de el ancho á la ultima medida. En cuyas mendiciones mandé se formaran las mojoneras correspondientes ql. señalan los linderos ql. le pertenecen la d'ho.

Sello Cuarto, [SEAL.] Una Cuartilla.

Para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Revalidado pa. los años de 1842 y 1843.

ESTRADA. ANT'O MA. OSIO.

LUGO.

El terreno medido corresponde á sitio y poco mas de ganado mayor, y lo firmaran conmigo el interesado los colindantes, y los testigos de assist'a.

TEODORO GONZALEZ.

Asa.: MAN'L CASTRO,
Asa.: FRAN'CO RICO,
JUAN MALARIN,
FELICIANO SOBERANES.

En el rancho del Parage de Sanchez, á los diez y siete dias del mes de Noviembre, de mil ochocientos cuarenta y dos, yo juez de paz suplente de Monterey.

Sello Tercero, Dos Reales.

Habilitado provicionalm'te pr. la aduana maritima de Monterey, en el departam'to de las Californias, pa. los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

XIMENO. ANTONIO MA. OSIO.

[SEAL.] Revalidado pa. los años, de 1842 y 1843.

ESTRADA. CASTANARES.

Y su jurisdiccion despues de practicadas las medidas del mencionado rancho, pr. lo q'l resulte mas de un sitio de ganado mayor, y presentes los colindantes D. Juan Malarin y D. Feliciano Soberanes, como encargado de la mision de la Zoledad, siendo esta conformes con las demas autos mandé q'l entrase en posecion del nominado rancho el C. Franc'o Lugo bajo de las medidas citadas y formalidades acostumbradas en estos casos, lo q'l verificó inmediatam'te arrancando yervas y haciendo demostraciones como dueño del terreno de que se le ha dado juridica posecion, cuya validacion la autorizo firmando con los colindantes interesado y de asistencia.

TEODORO GONZALEZ,
FELICIANA SOBERANES,
JUAN MALARIN.

Ass'a: MAN'L CASTRO,
Ass'a: FRANC'O RICO.

Monterey, 19 de No'bre, de 1842.

Toma razon en el libro de poseciones y devuelvase este espediente original al interesado pa. los fines q'l mas le convengan, asi yo el juez de paz constitucional C. Teodoro Gonzalez, lo decreté, mandé.

Sello Tercero, Dos Reales.

Habilitado provicionalmente pr. la aduana maritima del puerto de Monterey, en el departamento de las Californias, pa. los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

XIMENO. ANTONIO MA. OSIO.

[SEAL.] Revalidado pa. los años de 1842 y 1843.
ESTRADA. CASTANARES.

Y firme con los de asistencia.

TEODORO GONZALES.

FRANC'O RICO,
MANUEL CASTRO.

Filed in office, Jan'y 29, 1853.

GEO. FISHER, *Sec'y*.

B.—*Translation of Title and Papers.*

Seal of the First Class, Six Dollars.

Authorized provisionally by the maritime custom-house of Monterey for the years 1839 and 1840.

(Signed) ALVARADO,
(Signed) ANTONIO MA. OSIO.

John B. Alvarado, Governor ad interim of the Department of the Californias.

Whereas Citizen Francisco Lugo has solicited for his personal benefit and that of his family the land known by the name of Paraje de Sanchez, bounded by the rancho of Don Juan Malarin, by the establishment of the Soledad, by the river of Monterey and the mountains; the necessary steps and investigations having been previously taken and made in conformity with laws and regulations, I have by virtue of the powers conferred upon me granted unto him in the name of the Mexican nation the land mentioned, declaring unto him the ownership thereof by these present letters, subject to the approval of the most excellent departmental junta, and to the following conditions:

1st. He may fence it in without prejudice to the crossings, roads, and privileges; he shall enjoy it freely and exclusively, destining it to the use or cultivation which may best suit him; but within one year he shall build a house, and it must be inhabited.

2d. He shall request the respective justice to give him judicial possession in virtue of this title; said magistrate will designate the boundaries at the limits whereof he shall, besides placing the landmarks, plant some fruit trees or wild ones of some utility.

3d. The land whereof mention is made consists of one and a half square leagues, (setios de ganado mayor,) as appears by the plat which accompanies the expediente. The justice who gives possession shall cause it to be measured according to law, leaving the surplus which may result to the nation for the necessary uses.

4th. If he transgress these conditions, he shall forfeit his right to the land, and it may be denounced by another.

I consequently command, that holding this title to be firm and valid, a record be made thereof in the corresponding book, and this delivered to the party interested for his security and further ends.

Given in Monterey, on the eighth of June, eighteen hundred and thirty-nine.

(Signed) JUAN B. ALVARADO,
(Signed) MANUEL JIMENO, *Gov't sec'y.*

A record of this title has been made in the book of entries respecting the adjudication of lands at folio 8.

(Signed) JIMENO.

His excellency the governor commanded a record of this title to be made in the office of the prefect of the first district.

(Signed) JIMENO.

Seal of the Third Class, [SEAL.] Two Reals.

For the years eighteen hundred and forty and eighteen hundred and forty-one, made valid for the years 1842 and 1843.

(Signed) ALVARADO.

Señor acting Justice of the Peace:

I, Citizen Francisco Lugo, a resident of this department, before you, with due respect make known, that having obtained from the superior government the land known by the name of Parage de Sanchez, as appears by the title granted in my favor on the date of the eighth of June, eighteen hundred and thirty-nine, and nothing but the juridical possession being wanted to perfect the ownership with the legal requisitions, I request of your goodness that you will be pleased to give it to me the day that you may please to appoint. I therefore humbly request that you will be pleased to decree favorably my petition, whereby I shall receive a great favor, swearing that which is necessary.

Monterey, November 15th, 1842.

(Signed) FRANCISCO LUGO.

MONTEREY, 15*th November*, 1842.

Considered as presented and admitted, let me the present justice of the peace proceed to the measurement, designation of boundaries and juridical possession, asked for by the party interested in this memorial, fixing for the execution thereof the 17th day of the present month, in order to which the neighboring land-holders shall be summoned. Thus

I, the acting constitutional justice of the peace, did decree, command and sign, with the assisting witnesses.

(Signed) TEODORO GONZALES.

Ass't wit.: MANUEL CASTRO,
Ass't wit.: FRANCISCO RICO.

On the same date citizen Francisco being present, the foregoing decree was notified to him, which having understood, he said that he heard it and considered himself cited, signing with me and the assisting witnesses.

(Signed) TEODORO GONZALES.

Ass't wit.: MANUEL CASTRO,
Ass't wit.: FRANCISCO RICO.

On the same date the summonses ordered in the foregoing decree were issued, in witness whereof I note it down and sign.

(Signed) TEODORO GONZALES.

Ass't wit.: MANUEL CASTRO,
Ass't wit.: FRANCISCO RICO.

Rancho of the Paraje de Sanchez, 17 November, 1842. The neighboring land-holders, Don Juan Malaren and Don Feleceano Soberanes, in charge of the mission of the Soledad, being present, I appointed as measurers citizens Gobeno Serafino and Ygnacio Gonzalez, who will proceed to said measurement, designation of boundaries and possession of citizen Francisco Lugo, who after accepting and taking oath will proceed to comply with their commission. Thus I, the acting constitutional justice of the peace of this jurisdiction, did decree, command, sign with the assisting witnesses.

(Signed) TEODORO GONZALES.

Ass't witnesses, MANUEL CASTRO,
(Signed) FRANCISCO RICO.

On the same date citizens Ygnacio Gonzales and Gobeno Serrafino being present, the decree of their appointment was notified to them, who having understood, said that they heard it, accepted and did accept, swearing, by God our Lord and the sign of the cross, to fulfil their commission to the best of their knowledge and understanding, without fraud against any person, signing with me and the assisting witnesses.

(Signed) TEODORO GONZALES.

Ass't witnesses, MANUEL CASTRO,
(Signed) FRANCISCO RICO.

Immediately afterwards, I the said alcalde commanded the cord wherewith the land was to be measured, to be brought, and the said measurers took it and in my presence marked off fifty varas with a common Mexican vara measuring-rod, to make the measurement of the land with, and signed with the assisting witnesses, whereof I give testimony.

(Signed) TEODORO GONZALES.

Assisting witnesses, (Signed) MANUEL CASTRO,
(Signed) FRANCISCO RICO.

On the same spot, day, month and year, it being nine o'clock in the day, I, the said acting constitutional justice of the peace of this jurisdiction, commanded the measurers appointed to get ready for the measurement of the lands to be made for citizen Francisco Lugo, and placing themselves at the creek, the boundary of Don Juan Malaren, E.S.E., they measured two hundred and twelve cords of fifty varas in length each: it being understood that this measurement reached to the boundaries of the Mission of the Soledad, (Las Barranquetas,) and from the banks of the river to the edge of the mountains from north to south they measured forty-two cords, the length of the land at the other extreme being equal to the first measurement, and the breadth of the same to the last measurement, at which measurements I ordered the corresponding landmarks to be formed, to designate the boundaries which belong to said Señor Lugo.

The land measured contains a little more than one square league, (seteo y poco mas de ganad mayor;) and the party interested, the land-holders and assisting witnesses, signed with me.

(Signed) TEODORO GONZALES.

Assisting witnesses:

(Signed) MANUEL CASTRO,
(Signed) JUAN MALAREN.

Assisting witnesses:

(Signed) FRANCISCO RICO,
(Signed) FELECEANO SOBERANES.

In the rancho of Paraje de Sanchez, on the seventeenth day of the month of November, one thousand eight hundred and forty-two, I, the acting justice of the peace of Monterey and its jurisdiction, after having effecting the measurement of the said rancho, wherefrom there resulted more than one siteo de ganado mayor, and the neighboring land-holders, Don Juan Malerin and Don Feleceano Soberanes, (as the person in charge of the mission of the Soledad,) being present and satisfied with the whole proceedings, I commanded citizen Francesco Lugo to enter into possession of the said rancho, agreeable to the said measurements and customary formalities in such cases, which he immediately did, by pulling up grass and making demonstrations as the owner of the land, whereof juridical possession has been given to him, the validity of which I authorize, signing with the land-owners, the party interested, and the assisting witnesses.

(Signed) TEODORO GONZALES,
(Signed) FELECEANO SOBERANES,
(Signed) JUAN MALAREN.

(Signed) MANUEL CASTRO,
(Signed) FRACESCO RICO.

MONTEREY, 19*th November*, 1842.

Let a record be made in the book of possessions, and this original expediente be delivered to the party interested, for the ends which may best suit him. Thus I, the constitutional justice of the peace, citizen

Teodoro Gonzales, did decree, command and sign, with the assisting witnesses.

(Signed) TEODORO GONZALES.

(Signed) FRACESCO RICO.
(Signed) MANUEL CASTRO.

I, the undersigned, do hereby certify the foregoing to be a true and faithful translation of the original title and act of possession, in the hands of Señora Juana Breones, widow of the late Fracisco Lugo.

Monterey, 22d October, 1852.

W. E. P. HARTNELL,
State Translator.

Filed in office, Jan'y 29, 1853.

GEO. FISHER, *Sec'y.*

Motion to Revive.

(No. 537.)

In the claim of Juana Breones de Lugo et al., for "El Paraje de Sanchez."

Moved, that the claim of Juana Breones de Lugo, one of the claimants in this case, be revived in the name of the heirs of Juana Breones de Lugo, deceased.

HALLECK, PEACHY & BILLINGS,
Att'ys for Claimants.

Filed in office, Oct. 17, 1854.

GEO. FISHER, *Sec'y.*

Recorded in Journal, vol. 4, page 73.

GEO. FISHER, *Sec'y.*

Motion to Amend.

(No. 537.)

In claim of widow and children of Fracisco Lugo, to "El Paraje de Sanchez."

It having been shown in evidence that Juana Breones de Lugo has died since the filing of the petition in this case, it is therefore moved, that the original petition be amended, so as to read "Cayetano Lugo, Juan de Matee Lugo, Francesco Lugo, Josefa Lugo and Francisco Lugo, for themselves and their co-heirs, children of Francisco Lugo and Juana Breones de Lugo, deceased."

HALLECK, PEACHY & BILLINGS,
Att'ys for Claimants.

Filed in office, Oct. 24, 1854.

GEO. FISHER, *Sec'y.*

Recorded in Journal, vol. 4, page 89.

GEO. FISHER, *Sec'y.*

Opinion.

CAYETANO LUGO et al.
vs.
THE UNITED STATES.

For the place called Paraje de Sanchez, in Monterey county, containing one and a half square leagues of land.

This petition was originally filed in the name of Juana Breones de Lugo, the widow of Francisco Lugo, then deceased, and Cayetano and Juan de Matee Lugo, their children. Subsequently the death of the widow having been suggested, the proceedings were continued in the name of the children of said Francisco and Juana, then heirs at law, who are the present claimants, deriving title by inheritance from them. Francisco Lugo died some eight years since, and his "wife" quite recently.

The claimants have given in evidence a grant issued to them by Governor Juan B. Alvarado, dated June 8, 1839, under which juridical possession was given to the grantee, November 17, 1842. The proof is ample to show that the grantee built a house on the place as early as July, 1839, and resided in it with his family. The place continued to be the home of the grantee, and subsequently of his children, until the presentation of the claim to the commissioners.

A decree will be entered confirming the title to Cayetano Lugo and the other children, heirs at law of said Francisco Lugo and his wife, both deceased. Confirmed.

Filed in office, Nov. 7, 1854.

GEO. FISHER, *Sec'y.*

Recorded in Record of Decisions, vol. 2, p. 369.

GEO. FISHER, *Sec'y.*

Decree.

CAYETANO LUGO et al.
vs.
THE UNITED STATES.

In this case, on hearing the proofs and allegations, it is adjudged by the commission, the claim of the said petitioners is valid, and the same is therefore confirmed to the said Cayetano Lugo and the other children of Francisco Lugo and Juana Breones de Lugo, his wife, both deceased.

The land of which confirmation is made is the same which was occupied by said Francisco Lugo in his lifetime, situated in Monterey county, and known by the name of "Paraje de Sanchez," and is bounded and described as follows, to wit: Beginning at the Arroyo, the boundary *the boundary* of Don Juan Malarin, and running thence along the same east-southeast, ten thousand six hundred varas, to the boundaries of the Mission of the Soledad, (Los Barranquetos;) thence south from the bank of the river, two thousand one hundred varas, to the edge of

the mountains; thence westwardly parallel to the first mentioned line, ten thousand six hundred varas; and thence north two thousand one hundred varas to the place of beginning; containing a little more than one square league of land; being the same which was assigned to Francisco Lugo under a grant to him, as appears by the testimonial of juridical measurement on file in this case.

ALPHEUS FELCH,
R. AUG. THOMPSON,
S. B. FARWELL,
Commissioners.

Filed in office, Nov. 7, 1854.

GEO. FISHER, *Sec'y.*

Recorded in Record of Depositions, vol. 2, page 370.

GEO. FISHER, *Sec'y.*

And it appearing to the satisfaction of the board, that the land hereby adjudicated is situated in the southern district of California; it is ordered, that two transcripts of the proceeding and decision in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the secretary, one of which transcripts shall be filed with the clerk of the United States district court for the southern district of California, and the other be transmitted to the Attorney General of the United States.

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle private land claims in the State of California.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing twenty-six pages, numbered from 1 to 26, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings, and of the decision of the said board, of the documentary evidence and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 537, on the docket of the said board, wherein Juan Breones de Lugo et al. are the claimants against the United States, for the place known by the name of "Paraje de Sanchez."

In testimony whereof, I hereunto set my hand and affix my private seal, (not having a seal of office,) at San Francisco, Califor-
[SEAL.] nia, this twenty-fifth day of May, A. D. 1855, and of the independence of the United States of America the seventy-ninth.

(Signed) GEO. FISHER, *Sec'y.*

UNITED STATES DISTRICT COURT,
Southern district of California.

CLERK'S OFFICE, LOS ANGELES.

I, Charles E. Carr, clerk of the district court of the United States for the southern district of California, do hereby certify that the foregoing

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twenty-seven pages, numbered from 1 to 27, both inclusive, contain a full, true, and correct copy of transcript No. 537, filed in this office, wherein Juana Briones de Lugo et al. are appellees and the United States are appellants, for "Paraje de Sanchez."

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, at Los Angeles, this 19th day of January, A. D. 1856, and of the independence of the United States of America the eightieth.

[SEAL.]

C. E. CARR, *Clerk*.

DISTRICT COURT UNITED STATES.
Southern district of California.
CLERK'S OFFICE, LOS ANGELES COUNTY.

JUANA BRIONES DE LUGO et al., appellees, vs. THE UNITED STATES, appellants. } Docket No. 230. Transcript No. 537.

Be it remembered, that on the 6th day of June, A. D. 1855, in the district court of the United States for the southern district of California, the following proceedings were had, to wit: a duly certified transcript of the proceedings and the decision of the commission to ascertain and settle the private land claims in the State of California, when sitting as a board, in the case wherein Juana Briones de Lugo et al. are the claimants against the United States, for the place named "Paraje de Sanchez," was received and filed, and docketed with No. 230, and is as follows, to wit:

(Vide page 1.)

LOS ANGELES, *Oct. 4th*, 1855.

In case No. 230, Juana Briones de Lugo et al,. for the place named "Paraje de Sanchez," the notice of appeal from U. S. Attorney General was received and filed.

(Vide page 3.)

LOS ANGELES, *Oct. 12th*, 1855.

In same case the petition of U. States for review was filed.

(Vide page 3.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

LOS ANGELES, *Oct. 12th*, 1855.

In same case, the answer of appellee was filed.

(Vide page 5.)

LOS ANGELES, *Oct. 16th*, 1855.

In same case the opinion of the court confirming the claim was delivered, and the following decree entered.

(Vide page 6.)

Los Angeles, *Oct. 18th*, 1855.

In the same case the following order for appeal, on motion of P. Ord, U. S. District Attorney, was filed.

(Vide page 7.)

Notice of Appeal.

Office of the Attorney General of the United States,
Washington, 29 *June*, 1855.

537—"Paraje de Sanchez"—Juana Briones de Lugo et al., claimants.

You will please take notice, that in the above case, decided by the commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 14th day of June, 1855, the appeal in the district court of the United States for the southern district of California will be prosecuted by the United States.

C. CUSHING,
Attorney General.

Filed Oct. 4th, 1855.

C. E. CARR, *Clerk.*

In the United States District Court for the southern district of California.—Hon. Isaac S. K. Ogier, Judge.

The United States, appellants,
vs.
J. B. de Lugo et al., appellees.
} No. 230—Transcript No. 537.

The petition of Pacificus Ord, attorney of the United States for the southern district of California, for and in behalf of the United States, respectfully represents: That on or about the 29th day of January, A. D. 1853, Juana Briones de Lugo, alleged widow, and Cayetano Lugo, Juan de Mata Lugo, alleged children of Francisco Lugo, deceased, petitioned the United States land commissioners for the State of California, claiming one and a half square leagues of land, a little more or less, called "Parage de Sanchez," situate in the county of Monterey, State of California, which said petition was afterwards, upon suggesting the death of Juana Briones de Lugo, on or about the 24th day of October, A. D. 1854, amended in the name of the children, Cayetano Lugo, Juan de Mata Lugo, Francisco Lugo, Josefa Lugo and Francisco Lugo, for themselves and their co-heirs, children of Francisco Lugo and Juana Briones de Lugo, deceased; that on or about the 7th day of November, A. D. 1854, the said commissioners confirmed the said claim; that thereafter, to wit, on or about the 14th day of June, A. D. 1855, the honorable Caleb Cushing, attorney general of the United States, received a duly certified transcript of the proceedings, with the evidence and decision of the said commissioners in said cause; that thereafter, to wit, on or about the 4th day of October, A. D. 1855,

the said attorney general of the United States filed, or caused to be filed with the clerk of this honorable court, a notice of the intention of the United States to prosecute the appeal in said cause; that on or about the 6th day of June, A. D. 1855, the said commissioners filed, or caused to be filed in the office of the clerk of this honorable court, a duly certified transcript of their proceedings, with the evidence and decision in said cause; that the land claimed lies in the southern district of California, and within the jurisdiction of this court. And this petitioner denies, generally, that the said claimants have any solid right or title to the said land. Wherefore the said petitioner prays that Cayetano Lugo, Juan de Mata Lugo, Francisco Lugo, Josefa Lugo and Francisco Lugo, the alleged children of said Francisco Lugo and Juana Briones de Lugo, alleged to be deceased, or their attorneys, may be served with a copy of this petition, and that after due proceedings had, the said decision of the said commissioners may be reviewed, reversed and set aside, and that this honorable court will decree the said claim or title to be invalid, with costs and general relief.

P. ORD,
Attorney of the United States for the Southern District of California.

Filed Oct. 12th, 1855.

C. E. CARR, *Cl'k.*

Answer of Appellees.

In the United States District Court for the southern district of California:

THE UNITED STATES, appellants,
vs.
J. B. DE LUGO et al., appellees. } No. 230.—Answer.

Cayetano Lugo, Juan de Mata Lugo, Francisco Lugo, Josefa Lugo, and Francisco Lugo, children and heirs at law of Francisco Lugo and Juana Briones de Lugo, both deceased, appellees, appear by their attorneys, and for answer to the petition of the United States, filed herein, say:

That their title to the land called "El Parage de Sanchez," as set forth and described in their petition to the Board of Commissioners, and in the documentary and other evidence filed in this case, is a good and valid title. The land claimed is situated in the southern district of California.

And they pray this honorable court to affirm the decision of the Board of Commissioners, and to decree their claim to be valid.

HALLECK, PEACHY & BILLINGS,
Atty's for Appellees.

Filed, October 12th, 1855.

C. E. CARR, *Cl'k.*

Decree.

UNITED STATES DISTRICT COURT.

THE UNITED STATES, appellants,
vs.
CAYETANO LUGO, JUAN DE MATA LUGO, FRANC'O LUGO, JOSEFA LUGO, AND FRANCIS LUGO. } No. 230.—El Parage de Sanchez.

This cause coming on to be heard at a special term of this court, on on an appeal from the final decision of the Commissioners to ascertain and settle the private land claims in the State of California, under the act of Congress approved March 3d, 1851, upon the transcript of the decision and proceedings, and of the papers and evidence on which said decision was founded, and it appearing that said transcript has been filed according to law, and counsel for the respective parties having been heard, it is ordered, adjudged and decreed, that the decision of the said commissioners be affirmed, and that the claim of the said Cayetano Lugo, Juan de Mata Lugo, Francisco Lugo, Josefa Lugo, and Francisco Lugo, appellees herein to the land described in the grant in this case, is a good and valid claim, and the same is hereby confirmed to the extent of one and a half square leagues; provided that the said quantity of one and one-half square leagues be contained within the limits called for in said grant and map to which it refers; but if there be less than said named quantity, then the claim of said appellees to said less quantity is hereby confirmed.

ISAAC S. K. OGIER,
U. S. District Judge for the southern district of California.

Order for Appeal.

In the United States District Court for the southern district of California.—Special term, Sept. 1855.—Los Angeles.

JUANA BRIONES DE LUGO ET AL., appellees,
ads.
THE UNITED STATES, appellants. } No. 230.—Transcript No. 537.

On motion of P. Ord, attorney of the United States for the southern district of California, it is ordered by the court, that an appeal be granted the United States to the Supreme Court of the United States, from the judgment of this court against the United States in the above entitled cause, rendered on or about the 16th day of October, A. D. 1855.

P. ORD, *U. S. Distr. Att'y.*

Filed October 18th, 1855.

C. E. CARR, *Clerk.*
By J. W. ROSS, *Dep.*

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UNITED STATES DISTRICT COURT,
Southern district of California.

CLERK'S OFFICE, LOS ANGELES.

I, Charles E. Carr, clerk of the district court of the United States for the southern district of California, do hereby certify the foregoing seven pages, numbered from 1 to 7, both inclusive, to contain a full, true and correct transcript of the record of the proceedings and of the decision of the said court, of the documentary evidence, and of the testimony of witnesses upon which the same is founded, on file in this office in case No. 230 on the docket of the said court, wherein Juana Briones de Lugo et al. are appellees and the United States are appellants, for "Paraje de Sanchez."

[SEAL.] In testimony whereof, I have hereunto set my hand and affixed the seal of said court, at Los Angeles, California, this nineteenth day of January, A. D. 1856, and of the independence of the United States of America the eightieth.

C. E. CARR, *Cl'k.*